Thakur, Jagatpal Singh
Thakur, Shri Rameshwar
Thakur, Shri Surendra Singh
Thangabaalu, Shri
Tiria, Kumari Sushila
Tripathi, Shri Chandrika Prasad
Tyagi, Shri Shanti
Vaduthala, Shri T.K.C.
Vajpayee, Shri Atal Bihari
Valiullah, Shri Raoof
Verma, Shri Kapil
Verma, Shrimati Veena
Vikal, Shri Ram Chandra
Vincent, Shri M.
Yadav, Shri Jagdambi Prasad
Yadav, Shri Ramanand

Noes—Nil

The motion was carried by majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

MR. DEPUTY CHAIRMAN: Now, I shall put the other Bill to vote. The question is:

"That the Bill further to amend the High Court Judges (Conditions of Service) Act, 1954 and the Supreme Court Judges (Conditions of Service) Act, 1958, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

MR. DEPUTY CHAIRMAN: We shall now take up the clause-by-clause consideration of the Bill.

Clauses 2 to 12 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI ASOKE KUMAR SEN: Sir, I beg to move:

"That the Bill be returned."

The question was put and the motion was adopted.

MR. DEPUTY CHAIRMAN: We shall now take up the next Bill, that is, the Tamil Nadu Legislative Council (Abolition) Bill, 1986.

THE TAMIL NADU LEGISLATIVE COUNCIL (ABOLITION) BILL, 1986

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI H. R. BHARDWAJ): Sir, I beg to move:

"That the Bill to provide for the abolition of the Legislative Council of the State of Tamil Nadu and for matters supplemental, incidental and consequental thereto, as passed by the Lok Sabha, be taken into consideration".

Sir, under article 169 of the Constitution, Parliament may, by law, provide for the abolition of the Legislative Council of a State.

Sir, on the 14th May, 1986, the Legislative Assembly of the State of Tamil Nadu passed a Resolution, in terms of Article 169 of the Constitution, for the abolition of the Legislative Council of that State. It is accordingly proposed to abolish the Legislative Council of the State of Tamil Nadu. It further contains certain supplementary provisions. Clause 7 makes necessary provisions as to the pending Bills. That clause provides for lapsing of Bills originating in the Council, that is, Bills which have not been passed by the Legislative Assembly and are pending in the Legislative Council immidiately before its abolition. As regards the Bills pending in the Legislative Council before its abolition which have been passed by the Legislative Assembly, it has been provided that on the abolition of the Council, such Bills should be deemed to have been passed before such abolition by both the Houses of the Legislature of the State of Tamil Nadu in the form in which the Bills were passed by the Legislative Assembly so that they could be presented to the Governor for assent. Clause 7, further provides that in the case of a Bill which is either rejected or amended by the Council before its abolition, the Legislative Assembly may, after abolition of the Council,

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pass the Bill, again with or without amendments, if any, as have been made by the Council and the Bill so passed shall be deemed to be a Bill introduced in and passed by the Legislative Assembly after the abolition of the Council so that it could be presented to the Governor for assent. The Bill also contains the usual provisions for adaptation and construction of laws:

The present Bill has been prepared on the lines of the earlier Bills on the subject, the last one being the Andhra Pradesh Legislative Council (Abolition) Act, 1985. Sir, I commend the Bill for the consideration of the House.

The motion was proposed.

SHRI DIPEN GHOSH (West Bengal): Mr. Deputy Chairman, Sir, I propose that there should not be any debate or discussion on this Bill. Let it be passed by all.

SHRI ALADI ARUNA alias V. ARUNACHALAM (Tamil Nadu): I have no objection.

SHRI T. R. BALU (Tamil Nadu): It has to be debated.

SHRI ALADI ARUNA alias V. ARUNACHALAM: Then we shall also have a right to speak. If any Member from Tamil Nadu wants to speak, then I will also speak.

MR. DEPUTY CHAIRMAN: I was taking the sense of the House. If the Members want to speak, I will give vfie minutes to two or three Members.

SHRI NIRMAL CHATTERJEE (West Bengal): Our leader, Shri Dipen Ghosh only requested the House. But if any Member wants to speak, he has a right to do so.

MR. DEPUTY CHAIRMAN: Yes. Mr. Balu.

SHRI T. R. BALU: Mr. Deputy Chairman, Sir, with great anguish, I am addressing this august House. The age-long and glorious Upper House of Tamil Nadu in which renowned and illustrious leaders of Tamil Nadu such as Dr. Anna, Raja Ji, Sir A. R. Mudaliar, Sir A. Lakshmanasamy Mudaliar, Dr. Mutlakshmi Reddy and Satyamurti Aiyar sat and gave sermons to the country is being abolished by the Tamil Nadu Government because of ulterior motives. If it is as in the case of Andhra, I cannot prevent. Or, as in the case of West Bengal, it can be allowed. The only reason for which I am opposing is that this Bill is being introduced by the Tamil Nadu Government of MGR with ulterior motives. I can point out so many things.

To start with, Sir, about six months back, there were binniel elections to the Legislative Council of Tamil Nadu. Four seats have to be filled up and the election was conducted. In all the seats, the ADMK people have been fielded. In Tanjore-Tiruchi-Pudukkotai graduate constituency, our member Mr. Ganesan, a former Member of this House, has contested. He won the election by 18,000 votes defeating his nearest ADMK rival. In Coimbatore West graduate constituency, Mr. Dandapani has won with a thumping majority. He belongs to our party. The ADMK candidate has been defeated. In other two constituencies, two comrades have won the election and the ADMK has lost in all the four seats. That is the first reason. Now, number two...

AN HON. MEMBER: It is a fabricated thing.

SHRI T. R. BALU: I want to cite one incident which has enraged Mr. MGR to come to this level. Sir, a local cinema actress has been nominated by the Governor at the recommendation of the MGR Government. Sir, all the norms and rules of the election have been flouted to the wind. Sir, the particular person who has been nominated is an insolvent I am very sorry to say that even the minimum requirements has also not been considered. Neither the Governor nor the Government which has recommended the particular person worried about all these norms and rules of the election. She has been nominated properly announced by the Governor. But alas, one person has gone to the court of law for justification whether an insolvent could be a Member of the Upper House. After knowing all these things, Mr.

M. G. Ramachandran and his coterie were ready to pay an amount of Rs. 10 lakhs which was due to the persons to whom she... *(Interruptions)*.

SHRI ALADI ARUNA *alias* V. ARUNACHALAM: We deny this. It is a case between the candidate and the concerned persons. This is a personal case.

SHRI T. R. BALU: Whenever they interrupt, the time should be added... *(Interruptions)*

SHRI ALADI ARUNA *alias* V. ARUNACHALAM: He is unnecessarily imputing motives.

MR. DEPUTY CHAIRMAN: Let him finish first.

SHRI ALADI ARUNA *alias* V. ARUNACHALAM: The candidate herself might have given the money. We have no knowledge about it.

SHRI T. R. BALU: My colleague, Mr. Aladi Aruna says that the amount... (Interruptions) An amount of Rs 10 lakhs has been paid overnight.

SHRI ALADI ARUNA *alias* V. ARUNACHALAM: You might have given. How do we know? We do not know about it.

SHRI T. R. BALU: The person has been nomianted by your Government, by your Mr. M. G. Ramachandran.

MR. DEPUTY CHAIRMAN: If there is any further thing to be discussed, it can be discussed in the State Assembly and not here.

SHRI T. R. BALU: Sir, Rs 10 lakhs have been paid at the court of law I do not know how could it be paid within 24 hours. Sir, I want a note of it to be taken, through the House, by the Income-tax Department. Will it be possible for an insolvent to pay Rs. 10 lakhs within 24 hours? It has been paid within 24 hours. *(Interuptions)*. After knowing all these things our beloved leader, Dr. Kalaignar Karunanidhi, wrote so many times. He has pointed out this at many public meetings. Hence MGR and his party were compelled to withdraw the candidate. So, this has enraged Mr. MGR to come to this level. *(Time Bell rings)*. Kindly give me some time, Sir. I am a lone Member at the moment.

Sir, on May 14, in the Lower House of Tamil Nadu Assembly, the Leader of the House, Mr. Nedunchezian, one of the Ministers, he himself asserted that it was in the mind of the Government for such a long time to abolish the Legislative Council. If that was so, was it not necessary to include it in the Governor's Address? It has not been included nor did it find a place in their election manifesto. Point number four. It is a policy matter. Policy matters are invariably to be discussed in the Cabinet and the Cabinet decision has to be communiacted to the Governor of Tamil Nadu. There was no such Cabinet meeting. That is why the minute has not been sent to the Governor of Tamil Nadu. The Governor himself has stated, "Of late I find that I learn of major policy decisions through the newspapers. Unfortunately I have been kept in the dark." This is the statement that he has made. This is from a part of the letter which was transacted between the Governor of Tamil Nadu and the Chief Minister of Tamil Nadu which has been published in India Today of July 31, 1986. *(Interruptions)*. At this juncture action has been taken against the Chief Secretary. He has thrown the entire blame on the Chief Secretary and one fine morning he has been sent out.

SHRI ALADI ARUNA *alias* V. ARUNACHALAM: Sir, it is a matter for the State Assembly. *(Interruptions)*.

SHRI T. R. BALU: Mr. Aruna, that may be the opinion of you and your MGR. *(Time Bell rings)* Sir, before I conclude. I want to say that the main reason for abolishing the Legislative Council was massive victory in the civic election, Sir, about six months back, our party has emerged victorious and we have come to power in the civic bedies. As far as municipalities are concerned, we have won 64 seats and Anna DMK only 11 seats. You can understand and what is happening in Tamil Nadu. In almost all the panchavat union, town panchayat and municipalities we have come to power. *(Interruptions)*. I am not yelding. Let me speak.

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Sir, it is feared by them that out of the strength that we have got so far we can be able to elect 15 MLCs to the Legislative Council. That has created a lot of fear and panic in them. (*Time bell rings*) (*Interruptions*). Only one minute, Sir. If 15 MLCs come to the Upper House, what will happen to them? They could not tolerate our leader. Only three speeches of our leader Dr. K. Karunanidhi had shattared the entire Government. They are afraid of our leader to be in the Opposition.

Sir, these are the reasons for MGR to abolish the Legislative Council. That is why he has been driven to the extent of abolishing the Upper House with evil motives So, Sir, I request every Member of this House to oppose the Bill directly. Thank you.

SHRI G. SWAMINATHAN (Tamil Nadu): Mr. Deputy Chairman, Sir, I have been looking forward to a reasoned talk from the only hon. Member of the DMK Party here. (*Interruptions*).

SHRI T. R. BALU: Sir, we are three in this House.

SHRI G. SWAMINATHAN: All the Members of this House are aware that there are three Members of the DMK party in this House. Two of the are very important Members of that Party and they have been here for a long time. If they consider this dicussion to be so important, as the hon. Member feels, then their leader should have come here and spoken. Of course, it is the prerogative of the leader of the party to allow his Members to speak, and I do not dispute... (*Interruptions*).

SHRI T. R BALU: As far as our party is concerned there is no difference We think alike and do alike. Not like your party.

MR. DEPUTY CHAIRMAN: You don't have to reply to each and every point that he makes.

SHRI G. SWAMINATHAN: The important thing is, if the abolition of the Council is so important, I would have been very happy if his leader had spoken .... (*Interruptions*). Anyway, the hon. Member should have given his own reasons on this matter. But he started with allegations, and somebody from there said that he should be allowed because it is his maiden speech. I know it is not his maiden speech and you also know it, Sir, that it is not his maiden speech because he spoke day before yesterday. Though this is not his maiden speech, but he spoke of a maidtn. He made certain allegations not only against my own Chief Minister and our respected leader, MGR, but also against all of us, the members of AIADMK in Rajya Sabha for which we feel sorry. One allegation he made was that our hon. Chief Minister has asked AIADMK members to carry knives with them and he said he was afraid of entering the House... (*Interruptions*).

SHRI T. R. BALU: What I said in the House is correct. I want to know as a clarification whether they are having knives in their hands or not? ... (*Interruptions*).

MR. DEPUTY CHAIRMAN: We are not discussing MGR or Tamil Nadu.

SHRI T. R. BALU: I want to know whether they are having knives in their hands.... (*Interruptions*). That is why I was afraid of entering this House. This is correct. I want this clarification whether they are carrying knives.

SHRI M. VINCENT (Tamil Nadu): And I want to know whether he is having a gun ... (*Interruptions*).

MR. DEPUTY CHAIRMAN: That is enough. No more interruptions.

SHRI G. SWAMINATHAN: This is a serious allegation against the Members of the House and it affects the privilege of the Member of the House to say that some one is carrying a knife and he is afraid to enter the House. So Sir, such allegations should not be made in the House.

6 P.M. The allegation should not have been made in the House. If it had been made in the House the other day, if it is on record, there is a certain procedure .

SHRI T.R. BALU: Sir, I would only like to know whether the hon. Member has a knife or not?

MR DEPUTY CHAIRMAN: Mr. Balu, please do not interrupt him.

SHRI G. SWAMINITHAN: Sir, when an allegation is to be made by any Member, he should inform the Chairman. According to the Rules of Procedure, rule 238, a Member who wants to make an allegation should give it in writing to the Chairman and the Chairman will inform the Member concerned against whom the allegation is going to be made. Sir, as I said, the other day, it has gone on record. I do not think such an allegation can be made and it should go on record. (*Interruptions*)

MR. DEPUTY CHAIRMAN: Interruptions will not be recorded.

SHRI G. SWAMINATHAN: Sir, I do not think there is much to be said on this Bill. But on the question of abolition, I would only say this. They are indulging in double talk and they are adopting double standards on the question whether there should be an Upper House or not. When the Andhra Pradesh Legislative Council was abolished, when the West Bengal Legislative Council was abolished, they welcomed it. When the Tamil Nadu Legislative Council is being abolished, because their Leader is one of the Members of that House, they are arguing in a different manner and they do not deal with the issue as such. They are not honest to their profession. Sir, the question whether there should be an Upper House or not is a controversial question; it is a controversial question to decide whether there should be bicameral Legislature or not. When it does not affect them, they are willing to support, but when it affects them they are not willing to support .... (*Interruptions*). Again they say that the party in power, the AIDMK party in power, is afraid of them because their Leader is a Member of the Upper House. Why should we be afraid of them? I wish to inform the House that our hon. Chief Minister, Dr. M.G.R. is not afraid of anybody. I wish to inform that he is considered to be God of Tamil Nadu. Even a Magazine which wanted to say that he has faile has mentioned that God has failed. He is considered to be a divine person in Tamil Nadu. I wish to inform the hon. Member and his Leader through him that it is not easy to defeat my Leader. They started with 48 Members when Shri Karunanidhi was in the Legislature. They went down to 38. They are now 22. There is no reason to be afraid of a person who is sliding in politics. I think, he is going to become a big zero in politics. Sir, on 1.7.77, in the Legislative Council: the AIADMK had only 5 Members. As on date, the AIADMK has 21 and the DMK has only 7 Members. At that time, the Tamil Nadu Legislature Council had 42 members out of 63, with 21 seats vacant. As on date we have 21 members and the DM.K. only 7. Even after the civic elections (*Interruptions*) when the remaining seats are filled— this is only theretical; and academic point—out of 63 Members we will have 31 Members and the DMK may have 15 Members. When this is the position, why should we be afraid of them? Regarding abolition of Legislative Councils, Sir, you very clearly know that there are only six States like Bihar, Tamil Nadu, Maharashtra, Karnataka, Uttar Pradesh and Madhya Pradesh, which have a Legislative Council. Now Tamil Nadu is abolishing the Council and there will be only five States where there will be a Legislative Council. Sir, many of the States are not having Legislative Council and that does not mean that they are not ruling well. Another thing is, even Dr. B. R. Ambedkar said that it is only an experimental measure and there is sufficient provision to get rid of the same. Many of the States, such as Punjab, West Bengal and Andhra Pradesh have abolished the Council. Even Bihar and Uttar Pradesh have passed Resolutions to abolish the Council. Personally speaking, Sir, I was a member of the Tamil Nadu Legislative Council for a period of four terms and I was Deputy Chairman of the Tamil Nadu Legislative

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Council for a period of three terms. From my own experience I can say that the Legislative Council has not served the purpose for which it has been set up. Four points have been mentioned. One of them is stated to be the historical reason. It has remained an historical institution for a long time but there is no reason for it to continue as it is not serving our purpose now. Secondly, it is said that it gives adequate representation to outsiders. But only certain sections like teachers, graduates, are given representation, whereas there are many other categories like doctors, engineers, trade unions, Chamber of Commerce, do not find a place, and have not been adequately represented, (*Interruptions*). Governer has got the right to nominate. Even here Shivaji Ganesan.... (*Interruptions*).

MR. DEPUTY CHAIRMAN: I am calling the Minister (*Interruptions*). Please sit down. Please resume your seat. No more recording, I have called the Minister.

SHRI H.R. BHARDWAJ: Sir, there is hardly anything which I need answer because they have brought in the domestic affairs. Keeping with the highest traditions of democracy, the spirit of article 169 and giving respect to the Resolution of the Assembly of Tamil Nadu passed on 14th May this year, we have moved this Bill and I hope there should be no controversy in passing it.

MR. DEPUTY CHAIRMAN: Now I will put the motion.

The question is:

"That the Tamil Nadu Legislative Council (Abolition) Bill, 1986, be taken into consideration".

The motion was adopted.

MR. DEPUTY CHAIRMAN: We shall now take up clause by clause consideration of the Bill.

Clauses 2 to 9 were added to the Bill

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI H.R. BHARDWAJ: Sir, I move:

"That the Bill be passed".

The question was put and the motion was adopted.

MR. DEPUTY CHAIRMAN: The House stands adjourned till 11.00 a.m. on 20th August, 1986.

The House then adjourned at eleven minutes past six of the clock till eleven of the clock, on Wednesday, the 20th August, 1986.

MGIPND—I—941 RS—400